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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,062	07/03/2003	Jack E. Caveney	LCB398	6643

32915 7590 09/15/2005

PANDUIT CORP.
LEGAL DEPARTMENT - TP12
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EXAMINER

LAVINDER, JACK W

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,062

Applicant(s)

CAVENEY, JACK E.

Examiner

Jack W. Lavinder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12, 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-9, 11-12 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanks, 5732446 in view of Andersen, 6035495 and Sauer, 4300270.

Blanks discloses all the limitations of applicants claimed invention except for a rib disposed along the return loop and indentations in the opposite sides of the head.

Andersen discloses using a reinforcing rib (13) on a return loop (12', figure 1) and Sauer discloses the use of a plurality of indentations (49, 49a) on the housing of a hose clamp. Both the reinforcing rib and indentations strengthen the clamps. Also, Sauer discloses that the use of a plurality of reinforcing indentations further increases the strength of the clamp.

It would have been obvious to a person having ordinary skill in the art to have added reinforcing ribs and indentations to Blanks's metal tie band, as taught by Andersen and Sauer, to increase the strength of the tie band to improve the reliability of the tie band.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blanks in view of Andersen and Sauer as applied previously and further in view of Thurston, RE25769. Blanks in view of Andersen and Sauer fail to disclose coating the tie. Blanks

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discloses that the tie is formed from stainless steel or any other type of metal (col.2, lines 30-33). It is well known that stainless steel is corrosion resistant. Therefore, if any other less corrosion resistant metal is used, a need arises for coating the clamp to prevent corrosion from occurring.

Thurston discloses that it is old and well known to coat a metal clamp to provide a means to resist rust formation on the clamp (col. 6, lines 26-34). Therefore, it would have been obvious to a person having ordinary skill in the art to provide Blanks's clamp, when using a metal other than stainless steel, with a rust preventative coating. This will ensure that the clamp will have a longer service life.

4. Applicant's arguments filed 7/18/05 have been fully considered but they are not persuasive.

The applicant argues on page 5 of their remarks that neither Blanks, Andersen, Sauer nor Thurston, taken alone or in combination, disclose a cable tie having a return loop with at least one rib disposed thereon, wherein the return loop connects one end of a strap to an integral hooked portion.

The applicant also argues that it would not have been obvious to add Andersen's reinforcing ribs to the metal tie band of Blanks because there is no suggestion or motivation in Andersen to add reinforcing ribs to a cable tie having a return loop connecting one end of a strap to an integral hooked portion.

The motivation does arise from what the references would teach to one having ordinary skill in the art. Blanks discloses applicant's metal tie with the exception of a reinforcing rib located on the loop portion (28). One of ordinary skill in the art would be

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motivated to increase the strength of the critical areas of the tie, one being the loop portion (28), by using reinforcing ribs. This eliminates the need of increasing the overall thickness or dimensions of the tie to increase the strength of the tie. Thus, avoiding a huge increase in the manufacturing cost of the tie. Therefore, the motivation is to reduce the costs of manufacturing the tie while maintaining or improving the strength of the tie.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

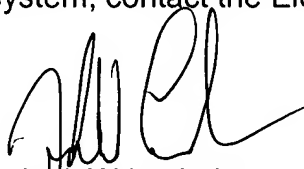
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W Lavinder
Primary Examiner
Art Unit 3677

9/12/05